

## **REMARKS**

In response to the above-identified Office Action (“Action”), the Applicants submit the following amendments and remarks and seek reconsideration thereof. Claims 1-26 are pending in the present application. Claims 1-26 are rejected. In this response, claims 1, 15 and 23-26 are amended, no claims are cancelled and no claims are added.

### **I. Claim Rejections under 35 U.S.C. § 112**

Claims 1, 15, and 23-25 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.

With respect to the rejection of claims 1, 15, and 23-25 under 35 U.S.C. § 112, first paragraph, these claims 1, 15, and 23-25 have been amended to remove the allegedly non supported elements. These amendments are supported, for example, page 19, line 17 through page 20, line 27 of the Specification as filed. In particular, these sections of the Specification describe a multiplexer receiving a user display mode preference (*i.e.* display preferences of a user) and encoding video based on this user display mode preference. Based on these amendments, the Applicants submit that the elements of claims 1, 15, and 23-25 are fully supported by the Application as filed. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 15, and 23-25 on this basis.

### **II. Objections to the Specification**

The Specification stands objected to for allegedly introducing new matter. In view of the amendments to the claims, the Applicants submit that the Specification no longer introduces new matter. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the objection to the Specification on this basis.

### **III. Objections to the Drawings**

The Drawings stand objected to for allegedly introducing new matter.

With respect to the objections to the Drawings, the claims have been amended to remove a receiver that is distinct from the multiplexer. Further, Figure 2 has been amended as shown in the attached Replacement Sheet to remove the receiver. The amendments are submitted in the form of a “Replacement Sheet” in compliance with 37 CFR 1.121(d). As amended, the drawings

show every feature recited in the claims without introducing new matter. Accordingly, the Applicants respectfully request entry of the amendment to Figure 2 and withdrawal of the objection to the drawings on this basis.

#### **IV. Claim Rejections under 35 U.S.C. § 103**

Claims 1-5, 11-14, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent Publication NO. 2002/0009137 by Nelson *et al.* (“Nelson”) in view of US Patent No 5,416,510 issued to Lipton *et al.* (“Lipton”) in further view of US Patent No. 6,574,423 issued to Oshima *et al.* (“Oshima”). Claims 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Lipton and Oshima and further in view of US Patent No. 6,614,936 issued to Wu *et al.* (“Wu”). Claims 15, 19, 22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima. Claims 16-18, 20-21, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Oshima and further in view of Lipton.

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

With respect to the rejection of claim 1 under 35 U.S.C. § 103, this claim recites “a multiplexing means for receiving the user display information, wherein the user display information corresponds to display preferences of the user, wherein the multiplexing means also multiplexes encoded streams for only essential fields among the four encoded streams received from the encoding means, based on the user display information, such that only the essential fields necessary to display the video on the display of the user are multiplexed for transmittal to the display of the user” (emphasis added). The Applicants submit that the combination of Nelson, Lipton, and Oshima fails to disclose these elements of claim 1.

In rejecting claim 1, the Examiner relies on Nelson to allegedly disclose user display information. See Office Action, Pages 5 and 6. Specifically, the Examiner argues that Nelson discloses a receiver that transmits to a set-top box the capabilities of a display. See Id. citing Nelson, Figure 1. Thus, the information disclosed by Nelson is not user preference information as recited in amended claim 1, because instead Nelson discloses receiving capability information of a display instead of the preferences of a user.

Further, Lipton does not cure the deficiencies of Nelson as Lipton does not disclose multiplexing video streams based on user preferences. Instead Lipton multiplexes video streams based on the available bandwidth of a transmission infrastructure. See Lipton, Column 9, Line 35 through Column 10, Line 21. Specifically, Lipton discloses compressing left and right video fields and multiplexing the resultant signals such that they can fit within the constraints of a narrow bandwidth. See Id. However, Lipton does not multiplex the encoded streams based on user preferences as recited in claim 1, because Lipton instead multiplexes signals based on the bandwidth of transmission medium between the user's display and a video transmission unit.

By multiplexing only essential imagery fields in the video stream based on user preferences, the stereoscopic video encoding apparatus of claim 1 efficiently transmits data such that unnecessary data that is not preferred by the user is not utilizing bandwidth. As described above, Nelson and Lipton fails to disclose these elements of claim 1. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of Oshima which cure the deficiencies of Nelson and Lipton. Thus, the combination of Nelson, Lipton and Oshima fails to teach or suggest each element of claim 1. According to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, claim 1 is not obvious in view of the combination of Nelson, Lipton and Oshima. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 on this basis.

In regard to claims 15 and 23-26, these claims include elements analogous to those of claim 1. For at least the reasons discussed above in relation to claim 1, the combination of Nelson, Lipton and Oshima fails to disclose these elements of amended claims 15 and 23-26. Further, the Examiner has not cited and the Applicants have been unable to locate any sections of Wu which cure the deficiencies of Nelson, Lipton and Oshima. Therefore, claims 15 and 23-26

are not obvious in view of the combination of Nelson, Lipton, Oshima and Wu. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15 and 23-26 on this basis.

In regard to claims 2-14 and 16-22, these claims depend from independent claims 1 and 15, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that the combination of Nelson, Lipton, Oshima and Wu discloses all elements of claims 1 and 15 which are incorporated in dependent claims 2-14 and 16-22. However, as discussed above, the combination of Nelson, Lipton, Oshima and Wu does not disclose all the limitations of claims 1 and 15. Therefore, claims 2-14 and 16-22 are not obvious in view of the cited prior art. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2-14 and 16-22 on this basis.

## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

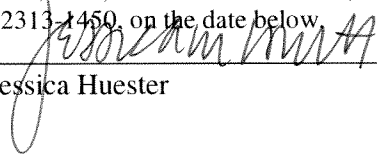
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